RECEIVED UNITED STATES DISTRICT COURT
2006 JAN 17 A 9: 45 MIDDLE DISTRICT OF ALABAMA
MONTGOMERY DIVISION

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DIST. ALA.

HORACE M. BLACK,   *

            Petitioner,   *

                                    *   CIVIL NO. 2:05 cv 1178-T
                                          CRIM. NO. 2:04 CR-169-A
                                    *

vs.   *

                                    *

UNITED STATES OF AMERICA,   *

            Respondent.   *

MOTION TO SUPPLEMENT ADDITIONAL CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL AFTER THE COURT DETERMINES ISSUE OF COUNSEL FAILURE TO FILE DIRECT APPEAL PURSUANT TO RULE 15 OF FED.R.CIV.P.

COMES NOW, Petitioner, Horace M. Black, files this Pro Se
motion asking that this Court allow him to supplement additional
arguments of ineffective assistance, after the Court determines
whether counsel of record was ineffective for failure to file
a direct appeal.

Argument

The petitioner contends that he filed a motion pursuant
to 28 U.S.C. § 2255, presenting one (1) claim of ineffective
assistance of counsel, which involed his failure to file a
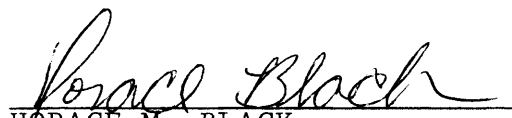
direct appeal.   The petitioner had two (2) additional claims of ineffective assistance of counsel, however, these issues dealt with the conduct of counsel, and therefore usually are not favored by the Court of Appeals; therefore, petitioner planned to present these issues after the direct appeal became final.

The petitioner asks that the Court allow him to either supplement the issues and incorporate them into his § 2255 motion, or to allow him to present them in a petition pursuant to Section 2255 after the issues he plans to present on Direct Appeal have been settled by the Court of Appeals.

CONCLUSION

WHEREFORE, based on the foregoing reasoning, the petitioner respectfully asks that the above styled request be GRANTED.

Respectfully submitted,

HORACE M. BLACK
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P.O. Box 699
F.C.I. Estill
Estill, South Carolina   29918

Petitioner, Pro Se

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CERTIFICATE OF SERVICE

I, the undersigned, cerity that a true copy of the foregoing Pro Se Motion has been served on all parties via pre-paid U.S. Mail and all statements are true and correct under penalty of perjury 28 U.S.C. § 1746; by placing said documents in F.C.I. Estill's legal mailbox on this _5_ day of _JAN._ , 20_06_.

Parties of Interest:

Morris Clarke, A
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